

**IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA**

ALEC HAYWARD-PREAUS, an Individual,

Plaintiff,

v.

SMART FUTURE XPRESS, INC. a Foreign for-Profit Corporation; and AMANDEEP SINGH, an Individual,

Defendants.

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

SEP 21 2023

Case No. CJ-2023-38

CASSIE KEY COURT CLERK

BY _____

ATTORNEY LIEN CLAIMED

PLAINTIFF'S FIRST AMENDED PETITION¹

COMES NOW the Plaintiff, Alec Hayward-Preaus, (hereinafter "Plaintiff and/or Plaintiff's") by and through his attorneys of record, SMOLEN | LAW, PLLC, and for his cause of action against the Defendants, Smart Future Xpress, Inc. (hereinafter "Smart") and Amandeep Singh (hereinafter "Singh"), states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Alec Hayward-Preaus is a citizen of the State of Oklahoma and resides in Ottawa County, Oklahoma.

2. Upon information and belief to be confirmed through discovery, Defendant Smart is a foreign for-profit Corporation doing business in the State of Oklahoma with its principal place of business located in Johnson County, Indiana.

3. Upon information and belief to be confirmed through discovery, Defendant Sing is a citizen of the State of Indiana residing in Johnson County, Indiana.

¹ This amended Petition is filed as a matter of course pursuant to 12 O.S. § 2015(A) as no responsive pleadings have been served.

4. This Court has jurisdiction and venue is proper in Ottawa County, Oklahoma pursuant to 12 O. S. § 134.

FACTUAL ALLEGATIONS

5. Paragraphs 1 through 4 are incorporated herein by reference.

6. At approximately 10:15 p.m. on April 5th, 2021, Plaintiff was driving his tow truck and legally parked on the shoulder of west-bound I-44 with his emergency lights on assisting a broken-down motorist.

7. Defendant Sing was also west-bound on I-44 when he was inattentive, left the roadway unto the shoulder where Plaintiff was legally parked causing a serious rear-end collision with Plaintiff.

8. Plaintiff was seriously injured as a result of the collision.

9. Defendant Sing was cited for Reckless Driving at the scene by Oklahoma Highway Patrol Trooper C. Rohr, in Citation Number N229697, in violation of 47 O.S. § 47.11-901.

10. At the time of the accident at issue, Defendant Smart was an authorized motor carrier operating pursuant to the Federal Motor Carrier Safety Regulations (“FMCSR”), 49 C.F.R. parts 350-399 under USDOT number 63391.

11. Upon information and belief to be confirmed through discovery, at the time of the collision at issue, Defendant Singh, a statutory employee of Defendant Smart, had been engaged in a pattern and practice of operating semi-tractor trucks in contravention of both state and federal laws.

CAUSES OF ACTION

**COUNT I. Negligence/Negligence *per se*
(As to both Defendants)**

12. Paragraphs 1 through 11 are incorporated herein by reference.
13. Defendant Singh, as a statutory employee and/or agent of Defendant Smart, owed a duty to Plaintiff, and all other drivers on the road, to operate the commercial vehicle under his control in a safe and reasonable manner, using ordinary care to prevent injury to other persons and to keep a lookout consistent with the safety of other vehicles.
14. By failing to operate the vehicle in such a way, and by acting recklessly with complete disregard for the health and well-being of Plaintiff and all other drivers on the road, Mr. Singh breached the duty owed.
15. Defendant Singh's breach was the actual and proximate cause of Plaintiff's injuries.
16. At the time of the April 5th, 2021 crash, Defendant Singh was acting in the course and scope of his employment with Defendant Smart. Consequently, Defendant Smart is vicariously liable for Defendant Singh's acts and omissions under the legal theory of *respondeat superior* and is thus liable for the damages as set forth herein.
17. Additionally, at the time of April 5th, 2021 crash, the vehicle driven by Defendant Singh was controlled and operated at the direction of Defendant Smart.
18. Furthermore, at the time of the collision alleged herein, Defendant Smart was the owner of the semi-tractor truck involved in the collision.
19. Defendant Smart is a motor carrier as defined by Title 47 of the Oklahoma Statutes and the Federal Motor Carrier Safety Act.

WHEREFORE, premises considered, Plaintiff prays that this Court grant him the relief sought including, but not limited to, actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00) with interest accruing from date of filing of suit, punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), costs and all other relief deemed appropriate by this Court.

Respectfully submitted,

SMOLEN | LAW, PLLC



Donald E. Smolen, II, OBA #19944
Mathew S. Saint, OBA #31873
611 S. Detroit Ave.
Tulsa, OK 74120
P: (918) 777-4LAW (4529)
F: (918) 890-4529
don@smolen.law
matt@smolen.law
Attorneys for Plaintiff